

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUAN J. JIMENEZ

COMPLAINT

JURY DEMAND

Plaintiff,

-against-

THE CITY OF NEW YORK; HUGH BOGLE, as Commanding Officer, Internal Affairs Bureau Group No.: 41; DERBY WANCCIQUE, as Sergeant, Internal Affairs Bureau Group No.: 41; PASCALE DENIS, as Detective, Internal Affairs Bureau Group No.: 41; VIVENE SIMPSON, as Supervisor, Administration for Children Services; and GLORY OKEZIE, as Child Protective Specialist, Administration for Children Services, each sued Individually and in their official capacities as employees of defendant THE CITY OF NEW YORK

Defendants'
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The Plaintiff JUAN J. JIMENEZ through his attorney The Sanders Firm, P.C., files this federal complaint against Defendants' THE CITY OF NEW YORK; HUGH BOGLE; DERBY WANCCIQUE; PASCALE DENIS; VIVENE SIMPSON and GLORY OKEZIE respectfully set forth and allege that:

INTRODUCTION

This is an action for equitable relief and money damages on behalf of the Plaintiff JUAN J. JIMENEZ, (hereinafter referred to as "Plaintiff") who was and is being deprived of his civil rights because Defendants' THE CITY OF NEW YORK; HUGH BOGLE; DERBY WANCCIQUE; PASCALE DENIS; VIVENE SIMPSON and GLORY OKEZIE falsely arrested and prosecuted him without probable cause in criminal court and maliciously prosecuted him in Family Court with legally baseless Article 10 petitions.

JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to 18 U.S.C. § 1965, 28 U.S.C. §§ 1331, 1343 and 2202 to secure protection of and to redress deprivation of rights secured by:

a. the Civil Rights Act of 1871, 42 U.S.C. § 1983

2. The unlawful practices, violations of plaintiff's civil rights complained of herein were committed within the Eastern and Southern Districts of New York.

PROCEDURAL REQUIREMENTS

3. Plaintiff JUAN J. JIMENEZ has filed suit with this Court within the applicable statute of limitations period.

4. Plaintiff JUAN J. JIMENEZ is not required to exhaust any administrative procedures prior to suit under the Civil Rights Act of 1871.

PLAINTIFF

5. Plaintiff JUAN J. JIMENEZ is a male citizen of the United States of America, over twenty-one (21) years of age and resident of Kings County.

DEFENDANTS'

6. Defendant THE CITY OF NEW YORK is a municipal corporation organized under the laws of the State of New York.

7. Defendant HUGH BOGLE, as Commanding Officer, Internal Affairs Bureau Group No.: 41.

8. Defendant DERBY WANCCIQUE, as Sergeant, Internal Affairs Bureau Group No.: 41.

9. Defendant PASCALE DENIS, as Detective, Internal Affairs Bureau Group No.: 41.

10. Defendant VIVENE SIMPSON, as Supervisor, Administration for Children

Services.

11. Defendant GLORY OKEZIE, as Child Protective Specialist, Administration for Children Services.

BACKGROUND

12. Plaintiff JUAN J. JIMENEZ alleges that on or about September 25, 2019, he was falsely accused of sexually abusing a minor child.

13. Plaintiff JUAN J. JIMENEZ alleges that from the outset, the minor child admitted during the one and only forensic interview that she lies.

14. Plaintiff JUAN J. JIMENEZ alleges that more importantly, other than the minor child false assertions, there's no independent corroborative evidence that he committed any criminal offense.

15. Plaintiff JUAN J. JIMENEZ alleges that with reckless disregard for the truth and lacking probable cause, on or about September 27, 2019, Defendant HUGH BOGLE authorized his arrest for Sexual Abuse in the First Degree and related charges.

16. Plaintiff JUAN J. JIMENEZ alleges that Defendant HUGH BOGLE then directed Defendant DERBY WANCCIQUE to arrest him.

17. Plaintiff JUAN J. JIMENEZ alleges that Defendant HUGH BOGLE then directed Defendant PASCALE DENIS to process his arrest.

18. Plaintiff JUAN J. JIMENEZ alleges that on or about September 30, 2019, Defendant HUGH BOGLE filed departmental Charges and Specifications against him related to sexually abusing a minor child.

19. Plaintiff JUAN J. JIMENEZ alleges that on or about September 30, 2019, he was falsely accused in a parallel child abuse investigation for allegedly abusing the same minor child

and endangering the welfare of his own minor children.

20. Plaintiff JUAN J. JIMENEZ alleges that from the outset, based on the case notes, Defendants' VIVENE SIMPSON and GLORY OKEZIE knew the minor child's own parents admitted that she lies and they didn't believe her.

21. Plaintiff JUAN J. JIMENEZ alleges that prior to the arrest, the minor's parents nor other potential witnesses were interviewed.

22. Plaintiff JUAN J. JIMENEZ alleges that more importantly, despite the lack of credible evidence, two (2) Article 10 petitions in Family Court were filed against him by Defendants' VIVENE SIMPSON and GLORY OKEZIE.

23. Plaintiff JUAN J. JIMENEZ alleges that on or about December 19, 2019, the Article 10 petition filed against him by Defendants' VIVENE SIMPSON and GLORY OKEZIE regarding the minor child was dismissed.

24. Plaintiff JUAN J. JIMENEZ alleges that on or about May 26, 2020, Assistant District Attorney Chris Mirabella, Office of the Kings County District Attorney, Special Victims Division informed Defendant PASCALE DENIS, the charges against him have officially been dismissed because on March 26, 2020, No Bill was returned.

25. Plaintiff JUAN J. JIMENEZ alleges that he and Defendant PASCALE DENIS testified before the Grand Jury.

26. Plaintiff JUAN J. JIMENEZ alleges that after a two (2) day department trial, on or about July 30, 2021, Assistant Deputy Commissioner - Trials Nancy R. Ryan recommended he be found NOT GUILTY of sexually abusing the minor child.

27. Plaintiff JUAN J. JIMENEZ alleges that throughout her decision, she notes from the outset, the minor child admitted during the one and only forensic interview that she lies.

28. Plaintiff JUAN J. JIMENEZ alleges that more importantly, she notes further embellishments and other than the minor child false assertions, there's no independent corroborative evidence that he committed any criminal offense.

29. Plaintiff JUAN J. JIMENEZ alleges that on or about September 21, 2020, the Article 10 petition filed against him by Defendants' VIVENE SIMPSON and GLORY OKEZIE regarding endangering the welfare of his own minor children was dismissed.

30. Plaintiff JUAN J. JIMENEZ alleges that on or about September 24, 2021, the New York State Office of Children and Family Services removed all instances of indicated abuse filed against him by Defendants' VIVENE SIMPSON and GLORY OKEZIE related to the aforementioned allegations from the State Central Register of Child Abuse and Maltreatment.

31. Plaintiff JUAN J. JIMENEZ alleges that despite being cleared of all criminal, Article 10 and department charges related to the minor child, Police Commissioner Dermot F. Shea has not adopted Assistant Deputy Commissioner - Trials Nancy R. Ryan recommendation.

32. Plaintiff JUAN J. JIMENEZ alleges that he remains suspended with pay and has to report to the Internal Affairs Bureau each tour twice a day.

VIOLATIONS AND CLAIMS ALLEGED

COUNT I VIOLATION OF THE FOURTH AMENDMENT FALSE ARREST IN VIOLATION OF THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983

33. Plaintiff JUAN J. JIMENEX re-alleges Paragraphs 1 through 32 and incorporates them by reference as Paragraphs 1 through 32 of Count I of this Complaint.

34. Plaintiff JUAN J. JIMENEZ alleges that Defendants' HUGH BOGLE; DERBY WANCCIQUE and PASCALE DENIS under color of law, personally interfered with and

deprived him of his constitutional rights.

35. Plaintiff JUAN J. JIMENEZ alleges that Defendants' HUGH BOGLE; DERBY WANCCIQUE and PASCALE DENIS acting individually and in their official capacities as public officials of Defendant THE CITY OF NEW YORK under color of law, falsely arrested and prosecuted him without probable cause in criminal court.

36. Plaintiff JUAN J. JIMENEZ alleges that because of alleges Defendants' HUGH BOGLE; DERBY WANCCIQUE and PASCALE DENIS'S conduct he suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

COUNT II
VIOLATION OF THE FOURTH AMENDMENT
MALICIOUS PROSECUTION
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983
(Defendants HUGH BOGLE; DERBY WANCCIQUE and PASCALE DENIS)

37. Plaintiff JUAN J. JIMENEZ re-alleges Paragraphs 1 through 36 and incorporates them by reference as Paragraphs 1 through 36 of Count II of this Complaint.

38. Plaintiff JUAN J. JIMENEZ alleges that Defendants' HUGH BOGLE; DERBY WANCCIQUE and PASCALE DENIS under color of law, personally interfered with and deprived him of his constitutional rights.

39. Plaintiff JUAN J. JIMENEZ alleges that Defendants' HUGH BOGLE; DERBY WANCCIQUE and PASCALE DENIS acting individually and in their official capacities as public officials of Defendant THE CITY OF NEW YORK under color of law, falsely arrested and prosecuted him without probable cause in criminal court.

40. Plaintiff JUAN J. JIMENEZ alleges that because of alleges Defendants' HUGH BOGLE; DERBY WANCCIQUE and PASCALE DENIS'S conduct he suffered emotional

distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

COUNT III
VIOLATION OF THE FOURTH AMENDMENT
MALICIOUS PROSECUTION
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983
(Defendants' VIVENE SIMPSON and GLORY OKEZIE)

41. Plaintiff JUAN J. JIMENEZ re-alleges Paragraphs 1 through 40 and incorporates them by reference as Paragraphs 1 through 40 of Count III of this Complaint.

42. Plaintiff JUAN J. JIMENEZ alleges that Defendants' VIVENE SIMPSON and GLORY OKEZIE under color of law, personally interfered with and deprived him of his constitutional rights.

43. Plaintiff JUAN J. JIMENEZ alleges that Defendants' VIVENE SIMPSON and GLORY OKEZIE maliciously prosecuted him in Family Court with legally baseless Article 10 petitions.

44. Plaintiff JUAN J. JIMENEZ alleges that because of alleges Defendants' VIVENE SIMPSON and GLORY OKEZIE'S conduct he suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

COUNT IV
MONELL CLAIM
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983

45. Plaintiff JUAN J. JIMENEZ re-alleges Paragraphs 1 through 44 and incorporates them by reference as Paragraphs 1 through 44 of Count IV of this Complaint.

46. Plaintiff JUAN J. JIMENEZ alleges that Defendant THE CITY OF NEW YORK

through its agents caused his injuries.

47. Plaintiff JUAN J. JIMENEZ alleges that Defendant THE CITY OF NEW YORK actions of implementing ‘official and un-official’ policies of supporting the filing of false arrests and maliciously prosecuting he and other similarly situated individuals without probable cause in criminal court and maliciously prosecuted he and other similarly situated individuals in Family Court with legally baseless Article 10 petitions.

48. Plaintiff JUAN J. JIMENEZ alleges that Defendant THE CITY OF NEW YORK through its agents deprived him of his constitutional and statutory rights.

49. Plaintiff JUAN J. JIMENEZ alleges that Defendant THE CITY OF NEW YORK through its agent’s actions caused him injuries.

50. Plaintiff JUAN J. JIMENEZ alleges that Defendant THE CITY OF NEW YORK through its agents caused him to sustain damages.

JURY TRIAL

51. Plaintiff JUAN J. JIMENEZ demands a trial by jury of all issues in this action that are so triable.

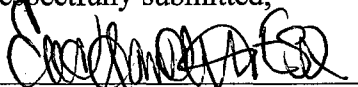
PRAYER FOR RELIEF

Wherefore, Plaintiff JUAN J. JIMENEZ demands compensatory and punitive damages from Defendants’ THE CITY OF NEW YORK; HUGH BOGLE; DERBY WANCCIQUE; PASCALE DENIS; VIVENE SIMPSON and GLORY OKEZIE jointly and severally, in an amount to be determined at trial, plus available statutory remedies, both legal and equitable, interests and costs.

Dated: November 3, 2021
New York, N.Y.

Respectfully submitted,

By:


Eric Sanders

Eric Sanders, Esq.

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